

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IRON WORKERS DISTRICT
COUNCIL OF SOUTHERN OHIO
& VICINITY BENEFIT TRUST, *et*
al.,

Judgment Creditors,

v.

G.M.A.B. LLC, *et al.*,

Judgment Debtors.

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Case No. 3:13-cv-283

JUDGE WALTER H. RICE

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #157);
ORDERING DEFENDANT COLIN M. GARRETT'S COMPLIANCE WITH
THIS ORDER; DIRECTING JUDGMENT CREDITORS TO FILE A
MOTION FOR ATTORNEY FEES WITHIN FOURTEEN DAYS

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Sharon L. Ovington, in her February 15, 2017, Report and Recommendations, Doc. #157, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety. Although Defendant Colin M. Garrett was notified of his right to file Objections to the Report and Recommendations, and of the consequences of failing to do so, no Objections have been filed within the time allotted.

Given that Colin M. Garrett purposefully and knowingly violated this Court's creditor's bill issued on September 8, 2014, and is in civil contempt of this Court,


he is **ORDERED** to perform the following acts, with the failure to do so punishable by further contempt findings issued by this Court:

1. Defendant Garrett is **ORDERED** to pay all reasonable attorney fees and costs incurred by the Trusts as a result of bringing their Motion to Show Cause as well as any other collection activities performed on behalf of the Trusts to collect the amounts he owes. Within **fourteen (14) days** of the date of this Order, the Trusts shall file a Motion for Attorney Fees to determine the exact amount of reasonable attorney fees Defendant Garrett owes.
2. Defendant Garrett is **ORDERED** to submit to the Trusts and this Court an affidavit within **ten (10) days** of the issuance of this Order and, thereafter, **by the first (1st) day of each month** until this Court's December 2, 2013, judgment is satisfied. His affidavit shall include the following information:
 - a. The name and address of all companies controlled, owned, organized, or run by Colin M. Garrett;
 - b. A list of all property (real or personal) owned by Colin M. Garrett or any companies controlled, owned, organized, or run by Colin M. Garrett, including but not limited to any steel, materials (raw or finished), equipment, and any other thing of value;
 - c. A list of all banks, credit unions, or other financial industry companies with which Colin M. Garrett or any companies controlled, owned, organized, or run by Colin M. Garrett has done business within the last three (3) years;
 - d. A copy of all checks or other payments received from or sent to Colin M. Garrett or any companies controlled, owned, organized, or run by Colin M. Garrett;

- e. The name and address of all projects on which Colin M. Garrett or any companies controlled, owned, organized, or run by Colin M. Garrett are working on, providing supplies for, or in any way aiding in the construction of in the last three (3) years, as well as the name and address of the project owner; the project's general contractor; the entity hiring or contracting with Colin M. Garrett or any companies controlled, owned, organized, or run by Colin M. Garrett; and the date work was first and last performed on the project; and
 - f. The name and address of all persons, partnerships, or corporate entities which have employed or contracted with Colin M. Garrett or any companies controlled, owned, organized, or run by Colin M. Garrett in the last three (3) years and the beginning and end date of said employment or contracting.
3. Colin M. Garrett is **ORDERED** to permit an agent, representative, or official of the Trusts to inspect any property owned or project worked on by Colin M. Garrett or any companies controlled, owned, organized, or run by Colin M. Garrett, within three (3) days after that notice is mailed to Mr. Garrett at 501 Gray Ave. Suite 1-A, Greenville, OH 45331.
4. Colin M. Garrett is **ORDERED** to give notice to the Trusts (and its legal counsel) before he or any companies controlled, owned, organized, or run by Colin M. Garrett bids on or commences work on any building and/or construction project, or on any other venture for pay, of the following:
- a. The full legal names of the party that Colin M. Garrett or any companies controlled, owned, organized, or run by Colin M. Garrett is contracting with;
 - b. The full legal name and address of the general contractor on the project;

- c. The name of the project;
- d. The full legal name and address of the owner of the project;
- e. The physical location of the project;
- f. A copy of the bid submitted;
- g. A copy of the notice of commencement;
- h. A copy of any payment bond covering work performed by Colin M. Garrett or any companies controlled, owned, organized, or run by Colin M. Garrett; and
- i. A copy of all checks or payments exchanged between the parties.

Date: March 9, 2017



WALTER H. RICE
UNITED STATES DISTRICT JUDGE